

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20046 of 1999

Dated: 18-04-2007

Between:

E. Ramakrishna Reddy, s/o late Kesava Reddy,
r/o Vellala village, Nandikotkur Taluk,
Kurnool District.

... Petitioner

and

1. The Government of Andhra Pradesh,
rep. by its Secretary, Irrigation Department,
Secretariat Buildings, Hyderabad and 2 others.

... Respondents

ORDER:

Petitioner states that he is the owner of the land in an extent of Acs.34-21 cents in Sy.Nos.145, 146, 174/3, 177/C3 and 180 and also an extent of Acs.9-75 cents in Sy.Nos.291, 295 and 297, both situated in Vellela village, Nandikotkur Taluk, Kurnool District. The third respondent acquired the said lands for the purpose of Srisailem Hydro Electric Project and passed two awards bearing No.15/75 dated 20-05-1975 and No.23/75 dated 05-06-1975. At his instance the matters were referred to Civil Court under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act'), which were numbered as O.P.No.552 of

1983 and O.P.No.588 of 1993 respectively on the file of the II Additional Subordinate Judge, Kurnool. The learned II Additional Subordinate Judge on considering the oral and documentary evidence awarded compensation at the rate of Rs.20,000/- per acre vide orders dated 15-04-1988 and 14-04-1998 respectively. Aggrieved by the said orders, third respondent preferred appeals in A.S.No.923 of 1990 and A.S.No.2423 of 1988 and this Court dismissed the said appeals on 14-07-1996 and 23-06-1998 respectively. While the matters stood thus, Government of Andhra Pradesh issued G.O.Ms.No.234, dated 15-10-1993 constituting Lok Adalat to refer all land acquisition cases of Srisailem Project for settlement through Lok Adalat. As there was delay in settling the matters, he pursued the appeals and were disposed of as aforesaid. Thereupon, i.e. on 15-02-1999 he made representation to the Chairman, State Legal Aid and Advisory Board, High Court of Andhra Pradesh, Hyderabad stating that he is not willing to receive the compensation through Lok Adalat as the Government failed to fulfill its obligation and requested the Chairman to cancel his cases from the computer list prepared for 3rd phase. In response to the said representation, he received the notice dated 29-04-1999 from the office of the District Legal Services Authority, Kurnool directing him to appear before the Village Administrative Officer, Vellala village to take delivery of cheques and bonds received in Lok Adalat during 2nd phase.

As respondents are trying to enforce the alleged awards passed by Lok Adalat in the year 1994, which are superceded by the decrees passed by this Court in A.S.No.923 of 1990 dated 14-07-1996 and in A.S.No.2423 of 1988, dated 23-06-1998, he approached this Court and filed the present writ petition.

2. Heard learned counsel for the parties.

3. I am totally in agreement with the contentions put forth by learned senior counsel Sri T. Bali Reddy, appearing for petitioner. After the entire litigation was over and making the petitioner to run from pillar to post, issuing a notice on 29-04-1999 to petitioner to appear before the Village Administrative Officer to take delivery of cheques and bonds received in Lok Adalat is unwarranted. May be it is true that petitioner had come forward and agreed for a reference to the Lok Adalat, but it does not mean that the authorities can at their sweet time get the matters settled before the Lok Adalats. It is only with an intention that he would get lumpsum amount that too much earlier, petitioner might have agreed for the said reference to the Lok Adalat, but having regard to the fact that no awards were passed by the Lok Adalat, he prosecuted the O.Ps., pending on the file of the Civil Court and thus the said Court passed awards fixing certain amount as compensation. Thereafter, the Government preferred appeals, which were dismissed by this Court and later the Supreme Court also in S.L.Ps., preferred by the Government confirmed the amount of compensation awarded by the Civil Court. When the petitioner had litigated the matter throughout, the question of paying the amount as fixed by the Lok Adalat is not correct and he shall be paid compensation as fixed by the Civil Court only.

4. Accordingly, the writ petition is allowed and respondents are directed to pay compensation to petitioner as per the orders passed in O.P.No552 of 1983 and 588 of 1983, as confirmed by this Court in A.S.No.923 of 1990 and A.S.No.2423 of 1988. No costs.

Having regard to the fact that as the awards were passed as

early as in the year 1975, respondents are further directed to deposit/pay the amount of compensation to petitioner within a period of six weeks from the date of receipt of a copy of the order.

JUSTICE GOPALAKRISHNA TAMADA

Dt.18-04-2007
GLV